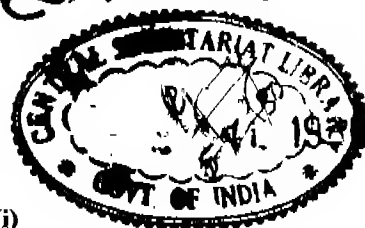




भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)



प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 79]

नई दिल्ली, सोमवार, मार्च 31, 1980/चैत्र 11, 1902

No. 79]

NEW DELHI, MONDAY, MARCH 31, 1980/CHAITRA 11, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as
a separate compilation

MINISTRY OF SHIPPING AND TRANSPORT (Port Wing)

NOTIFICATION

New Delhi, the 31st March, 1980

G.S.R. 166(E).—In exercise of the powers conferred by section 126, read with sub-section (2) of section 17 and section 123, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the first regulations, namely:—

1. Short title and commencement.—(1) These regulations may be called the New Mangalore Port Trust (Procedure at Committee Meetings) Regulations, 1980.

(2) They shall come into force on the first day of April, 1980.

2. Definitions.—(1) In these regulations, unless the context otherwise requires,—

(a) "Act" means the Major Port Trusts Act, 1963 (38 of 1963);

(b) "Committee" means a Committee constituted under sub-section (1) of section 17 of the Act.

3. Meetings of a Committee.—The meeting of a Committee shall be held in the premises of the Port of New Mangalore, Panambur, during office hours, on such dates as may from time to time be determined by the President of a Committee.

4. Circulation of Agenda Papers.—The papers connected with the agenda for any meeting of a Committee, other than a special meeting thereof, shall be circulated to the members at least three days before the date of the meeting, and in the case of a special meeting such papers shall be circulated at least one day before the date of the meeting.

5. Quorum for transaction of business by a Committee.—To constitute meeting of a Committee the quorum shall be two-third of the total number of members of the Committee.

6. President of a Committee.—The President of a Committee shall be a member of the Committee appointed as such by the Board.

7. Presiding at meetings.—The President of the Committee shall preside over the meetings of the Committee, and in his absence the members present may choose one from among themselves to preside at such meetings.

8. Discussion on items not included in the agenda.—The person presiding at a meeting of a Committee may, at his discretion, include for discussion at the meeting (including a special meeting) any item not already included in the agenda, if, in his opinion, it is of such importance and urgency that it cannot be withheld for consideration at any subsequent meeting of the Committee.

9. Decisions at a meeting of a Committee.—All decisions at a meeting of a Committee shall be taken by a majority of the votes of the members present and voting and; in case of an equal number of votes for and against the proposal voted upon, the person presiding at the meeting shall have a second or casting vote.

10. Poll.—If a poll is demanded by any member of a Committee, the names of the members voting and the nature of their votes shall be recorded by the person presiding at the meeting.

11. Minutes of the proceedings of a meeting.—(1) The minutes of each meeting of a Committee shall be recorded and shall be signed as soon as may be, after the close of the meeting, by the person presiding at the meeting.

(2) The names of the members present at each such meeting shall be recorded in the minutes.

(3) The minutes of every such meeting shall be placed before the Board at its next meeting.

12. **Adjournment of meeting.**—The person presiding at a meeting of a Committee may, with the consent of the members present in the meeting, adjourn it to a later date, which date shall either be announced at the meeting, in which case intimation shall be sent to the members absent at the meeting immediately, or communicated to all the members at least three days before such date.

13. **Calling of special meetings.**—The Chairman of the Board may, on his own motion and shall, upon a written request made by not less than two members of a Committee, call a special meeting of a Committee.

[F. No. PW-PGL-8/80]

G.S.R. 167(E).—In exercise of the powers conferred by section 126, read with section 28, of the Major Port Trusts Act, 1963 (38 of 1963), the Central Government hereby makes the following regulations, namely:—

1. **Short title and commencement.**—(1) These regulations may be called the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations, 1980.

(2) They shall come into force on the 1st day of April, 1980.

2. **Definitions.**—In these regulations, unless the context otherwise requires,—

(a) "Accounts Officer" means the Financial Adviser and Chief Accounts Officer of the Board;

(b) "Board", "Chairman" and "Deputy Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963 (38 of 1963);

(c) "employee" means an employee of the Board;

(d) "Pay" means pay as defined in the Fundamental Rules or the Regulations, if any, framed by the Board, whichever may be applicable to the employee;

(e) (i) "emoluments" means pay, leave salary, subsistence grant as defined in the Fundamental Rules or the regulations, if any, framed by the Board, and include Dearness Pay, Dearness Allowance, Additional Dearness Allowance, Special Dearness Allowance, City Compensatory Allowance and Interim Relief;

(ii) "emoluments" shall exclude, all types of remuneration other than those mentioned above, i.e. House Rent Allowance, Overtime Allowance and any other payment which is in the nature of compensation for overtime work, night weightage, allowance granted for intermittent type of work, extra remuneration in addition to normal wages for work done on Sundays, holidays and off days, fees for supervision of floating craft, honorarium, conveyance allowance, cement testing allowance, diving allowance, ration allowance and any payment which is in the nature of incentive bonus not connected with the output of work, family allowance, children's educational allowance, voyage allowance, etc.;

(iii) "emoluments" in respect of employees coming under the Piece Rate Scheme shall include their actual earnings including piece rate earnings, incentive earnings/premium payments, payments, if any, under the Payment by Results Scheme, idle time wages and attendance money as may be fixed by the Board from time to time, but shall exclude—

(a) the entire element of house rent allowance included in the piece rate earnings; and

(b) other allowances referred to in (ii) above.

(iv) "emoluments" in respect of employees coming under the Payment by Results Schemes shall include their actual earnings including incentive earnings/premium payments and any other payment under the

Payment by Results Scheme as may be fixed by the Board from time to time but shall exclude—

(a) the entire element of house rent allowance included in the piece rate earnings; and

(b) other allowances referred to in (ii) above;

The term piece rate earnings/incentive earnings etc. wherever they appear in this regulation would be applicable/operative when the Port and Dock Regulations come into force in the Port.

(f) "family" means,—

(i) in the case of male subscriber, the wife or wives and children of the subscriber, and the widow or widows and children of a deceased son of the subscriber;

Provided that if a subscriber proves that his wife has been judicially repudiated from him or has ceased under the Customary law of the Community to which she belongs to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently intimates in writing to the Accounts Officer that she shall continue to be so regarded;

(ii) in the case of female subscriber, the husband and children of the subscriber and the widow or widows and children of a deceased son of the subscriber;

Provided that if a subscriber by notice in writing to the Accounts Officer expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these regulations relate, unless the subscriber subsequently cancels such notice in writing;

Note.—"Child" means a legitimate child and includes an adopted child, where adoption is recognised by the personal law governing the subscriber.

(g) "Fund" means the New Mangalore Port Trust Employees Contributory Provident Fund;

(h) "leave" means any kind of leave granted under regulations framed by the Board;

(i) "service" means continuous service during which a subscriber holds a lien or suspended lien on a permanent post paid from the Board's revenues, but includes the following periods, namely:—

(a) officiating or temporary service if followed without break by permanent service; and

(b) which the Board may by general or special order, permit to be counted as service.

(j) "year" means a financial year.

3. **Constitution and Management of the Fund.**—The Fund shall be administered by the Board.

4. **Application.**—(1) These regulations shall apply to—

(a) every non-pensionable employee of the Board who was a subscriber to the contributory provident fund which was administered by the Board prior to the commencement of these regulations; and

(b) an employee who has come on transfer from the Central or State Government or a body corporate owned or controlled by the Government and who was a subscriber to the contributory provident fund of that Government or body. In his case the balance to his credit in the fund of the Government or the body corporate from which he has come on transfer, shall be transferred and credited to his account in the Fund with the sanction of the Chairman or the Head of a Department.

(2) The Board may at its discretion allow any other employees to subscribe to the fund.

5. Nominations.—(1) A subscriber shall at the time of joining the Fund send to the Accounts Officer a nomination conferring on one or more persons the right to receive the amount that may stand to his credit in the fund in the event of his death before that amount has become payable or having become payable has not been paid:

Provided that if at the time of making the nomination the subscriber has a family the nomination shall not be in favour of any person or persons other than the members of his family:

Provided further that the nomination made by the subscriber in respect of any other provident fund to which he was subscribing before joining the Fund, shall, if the amount to his credit in such other fund has been transferred to his credit in this fund, be deemed to be a nomination duly made under these regulations until he makes nomination in accordance with these regulations.

(2) If a subscriber nominates more than one person under sub-regulation (1), he shall specify in the nomination the amount or share payable to each of the nominees in such manner as to cover the whole of the amount that may stand to his credit in the Fund at any time.

(3) Every nomination shall be in one of the Forms appended to these regulations as is appropriate in the circumstances.

(4) A subscriber may at any time cancel a nomination by sending a notice in writing to the Accounts Officer. The subscriber shall, along with such notice or separately send a fresh nomination made in accordance with the provisions of this regulation.

(5) A subscriber may provide in a nomination,—

(a) in respect of any specified nominee that in the event of his predeceasing the subscriber, the right conferred upon that nominee shall pass to such other person or persons as may be specified in the nomination provided that such other person or persons shall, if the subscriber has other members of his family, be such other member or members. When the subscriber confers such a right on more than one person under this clause, he shall specify the amount or share payable to each of such persons in such a manner as to cover the whole of the amount payable to the nominee;

(b) that the nomination shall become invalid in the event of the happening of a contingency specified therein:

Provided that if at the time of making the nomination the subscriber has no family, he shall provide in the nomination that it shall become invalid in the event of his subsequently acquiring a family:

Provided further that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.

(6) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-regulation (5) or the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of sub-regulation (5) or the proviso thereto the subscriber shall send to the Accounts Officer a notice in writing cancelling the nomination together with a fresh nomination made in accordance with the provisions of this regulation.

(7) Every nomination made and every notice of cancellation given by a subscriber shall, to the extent that it is valid, take effect on the date on which it is received by the Accounts Officer.

Note :—In this regulation, unless the context otherwise requires, 'person' or 'persons' shall include a company or association or body of individuals, whether incorporated or not.

6. Subscriber's accounts.—An account shall be opened in the name of each subscriber, in which shall be shown—

- (i) his subscription;
- (i) contribution made under regulation 11 by the Board to his account;
- (ii) Any special contribution to provident fund by the Board under any of its regulations, or under any other orders on the subject;
- (iv) Interest, as provided by regulation 12, on subscriptions;
- (v) Interest, as provided by regulation 12, on contribution; and
- (vi) Advances and withdrawals from the fund.

7. Conditions and Rates of subscription.—(1) Every subscriber shall subscribe monthly to the Fund when on duty or foreign service but not during a period of suspension:

Provided that a subscriber on reinstatement after a period passed under suspension shall be allowed to option of paying in one lump, or in instalments, any sum not exceeding the maximum amount of arrears of subscriptions permissible for that period.

(2) A subscriber may, at his option, not subscribe during leave which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay. He can subscribe while on refused leave at his option.

(3) The subscriber shall intimate in writing to the Accounts Officer his election not to subscribe during leave ordered to in sub-regulation (2) above in the following manner, namely :—

- (a) if he is an officer who draws his own pay bills, by making no deduction on account of subscription in his first pay bill drawn after proceeding on leave;
- (b) if he is not an officer who draws his own pay bills, by written communication to the head of his office before he proceeds on leave. Failure to make due and timely intimation shall be deemed to constitute election to subscribe. The option of subscriber intimated under this sub-regulation shall be final.

(4) A subscriber who has, under regulation 21, withdrawn the amount of subscriptions and interests thereon, shall not subscribe to the fund after such withdrawal, unless he returns to duty.

8. Rates of subscriptions.—(1) The amount of subscriptions shall be fixed by the subscriber himself subject to the following conditions, namely :—

- (a) It shall be expressed in whole rupee.
- (b) It may be any sum, so expressed, not less than 8-1/3 per cent of his emoluments and not more than his emoluments.

(2) For the purpose of sub-regulation (1), the emoluments of subscriber shall be—

- (a) in the case of a subscriber who was in the Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on that date;

Provided that—

- (i) if the subscriber was on leave on the said date and elected not to subscribe during such leave or was under suspension on the said date, his emoluments shall be the emoluments to which he was entitled on the first day after his return to duty;
- (ii) if the subscriber was on deputation out of India on the said date or was on leave on the said date and continued to be on leave and has

elected to subscribe during such leave, his emoluments shall be the emoluments to which he would have been entitled had he been on duty in India;

- (iii) If the subscriber joined the Fund for the first time on a day subsequent to the said date, his emoluments shall be the emoluments to which he was entitled on such subsequent date.

- (b) in the case of a subscriber who was not in the Board's service on the 31st March of the preceding year, the emoluments to which he was entitled on the first day of his service or, if he joined the Fund for the first time on a date subsequent to the first day of his service, the emoluments to which he was entitled on such subsequent date;

Provided that, if the emoluments of the subscriber are of a fluctuating nature, they shall be calculated in such manner as the Board may direct.

(3) The subscriber shall intimate the fixation of the amount of his monthly subscription in each year in the following manner, namely :—

- (a) if he was on duty on the 31st March of the preceding year, by the deduction which he makes in this behalf from his pay bill for that month;
- (b) if he was on leave on the 31st March of the preceding year and elected not to subscribe during such leave, or was under suspension on that date, by the deduction which he makes in this behalf from his first pay bill after his return to duty;
- (c) if he has entered the Board's service for the first time during the year, or joins the fund for the first time, by the deduction which he makes in this behalf from his pay bill for the month during which he joins the fund;
- (d) if he was on leave on the 31st March of the preceding year and continues to be on leave and had elected to subscribe during such leave, by the deduction which he causes to be made in this behalf from his salary bill for that month;
- (e) if he was on foreign service on the 31st March of the preceding year, by the amount credited by him into the Accounts Department on account of subscription for the month of April in the current year.
- (f) if his emoluments are of the nature referred to in the proviso to sub-regulation (2), in such manner as the Board may direct.

(4) The amount of subscription so fixed may be—

- (a) reduced once at any time during the course of the year;
- (b) enhanced twice during the course of the year; or
- (c) reduced and enhanced as aforesaid :

Provided that when the amount of subscription is so reduced, it shall be not less than the minimum prescribed in sub-regulation (1) :

Provided further that if a subscriber is on leave without pay or leave on half pay or half average pay for part of a calendar month and he has elected not to subscribe during such leave, the amount of subscription payable shall be proportionate to the number of days spent on duty including leave, if any, other than those referred to above.

9. Transfer to foreign service or deputation out of India.—When a subscriber is transferred to foreign service or sent on deputation out of India, he shall remain subject to the regulations of the Fund in the same manner as if he were not so transferred or sent on deputation.

10. Realisation of subscriptions.—(1) When emoluments are drawn in India, recovery of subscription on account of these emoluments and of the advances shall be made from the emoluments themselves.

(2) When emoluments are drawn from any other source, the subscriber shall forward his dues monthly to the Accounts Officer :

Provided that in the case of subscribers on deputation to a State Government or the Central Government or a body corporate owned or controlled by Government, the subscriptions shall be recovered and forwarded to the Accounts Officer by such body.

(3) When a subscriber fails to subscribe during any month or months during the course of a year, the total amount due to be paid by the subscriber to the fund, or in default is to be recovered by deduction from the emoluments of the subscriber by instalments or otherwise as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of regulation 13.

11. Contribution by the Board.—(1) The Board shall, with effect from the 31st March of each year, make a contribution to the account of each subscriber :

Provided that if a subscriber quits the service or dies during a year, contribution shall be credited to his account for the period between the close of the preceding year and the date of the casualty :

Provided further that no contribution shall be payable in respect of any period for which the subscriber is permitted under the regulations not to, or does not, subscribe to the Fund.

(2) The contribution shall be at 8-1/3 per cent of the subscriber's emoluments drawn on duty during the year or period, as the case may be, or at such rate as may be prescribed by the Board by general or special order from time to time, with the approval of the Government :

Provided that if through oversight or otherwise the amount subscribed under sub-regulation (1) of regulation 8 and if the short subscription together with the interest accrued thereon is not paid by the subscriber within such time as may be specified by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (2) of regulation 13, the contribution payable by the Board shall be equal to the amount actually paid by the subscriber or the amount normally payable by the Board, whichever is less, unless the Board in any particular case otherwise directs.

(3) If a subscriber is on deputation out of India, the emoluments which he would have drawn had he been on duty in India, shall, for the purpose of this regulation, be deemed to be emoluments drawn on duty.

(4) Should a subscriber elect to subscribe during leave, his leave salary shall, for the purpose of this regulation, be deemed to be emoluments drawn on duty.

(5) Should a subscriber elect to pay arrears of subscriptions in respect of a period of suspension, the emoluments or portion of emoluments which may be allowed for that period on reinstatement shall, for the purpose of this regulation, be deemed to be emoluments drawn on duty.

(6) The amount of any contribution payable in respect of a period of foreign service shall, unless it is recovered from the foreign employer, be recovered by the Board from the subscriber.

(7) The amount of contribution payable shall be rounded off to the nearest whole rupee (fifty paise counting as the next higher rupee).

12. Interest.—(1) The Board shall pay to the credit of the account of a subscriber interest at such rate as may be determined for each year by the Board, which may not exceed the rate of interest prescribed by the Central Government, from time to time, for the payment of interest on subscriptions to the General Provident Fund or Contributory Provident Fund of the Central Government employees.

(2) Interest shall be credited with effect from the 31st March of each year in the following manner, namely :—

- (i) on the amount to the credit of a subscriber on the 31st March of the preceding year, less any sums

withdrawn during the current year, interest for twelve months;

(ii) on sums withdrawn during the current year, interest from the 1st April of the current year upto the last day of the month preceding the month of withdrawal;

(iii) on all sums credited to the subscriber's account after the 31st March of the preceding year, interest from the date of deposit upto the 31st March of the current year;

(iv) the total amount of interest shall be rounded off to the nearest rupee in the manner provided in sub-regulation (7) of regulation 11;

Provided that when the amount standing to the credit of a subscriber has become payable, interest shall thereupon be credited under this sub-regulation in respect only of the period from the beginning of the current year or from the date of deposit, as the case may be, upto the date on which the amount standing to the credit of the subscriber became payable.

(3) For the purpose of this regulation, the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered and, in the case of amounts forwarded by the subscriber, be deemed to be the first day of the month of receipt, if they are received by the Accounts Officer before the fifth day of that month, or, if they are received on or after the fifth day of that month, the first day of the next succeeding month;

Provided that where there has been a delay in the drawal of pay or leave salary and allowances of a subscriber and consequently in the recovery of his subscription towards the Fund, the interest on such subscriptions shall be payable from the month in which the pay or leave salary of the subscriber was due under the rules, irrespective of the month in which it was actually drawn;

Provided further that in the case of an amount forwarded in accordance with the proviso to sub-regulation (2) of regulation 10, the date of deposit shall be deemed to be the first day of the month if it is received by the Accounts Officer before the fifteen day of that month;

Provided also that where the emoluments for a month are drawn and disbursed on the last working day of the same month, the date of deposit shall, in the case of recovery of his subscriptions, be deemed to be the first day of the succeeding month.

(4) In addition to any amount to be paid under regulation 24, interest thereon upto the end of the month proceeding that in which payment is made or upto the end of the sixth month after the month in which such amount became payable, whichever of these periods be less, shall be payable to the person to whom such amount is to be paid;

Provided that no interest shall be paid in respect of any period after the date which the Accounts Officer has intimated to that person (or his agent) as the date on which he is prepared to make payment in cash, or if he pays by cheque, after the date on which the cheque in that person's favour is put in the post;

Provided further that where a subscriber on deputation to a body corporate owned or controlled by the Government is subsequently absorbed in such body corporate with effect from a retrospective date, for the purpose of calculating the interest due on the Fund accumulations of the subscriber, the date of issue of the orders regarding absorption shall be deemed to be the date on which the amount to the credit of the subscriber became payable, subject, however, to the condition that the amount recovered as subscription during the period commencing from the date of absorption and ending with the date of issue of orders of absorption shall be deemed to be subscription to the fund only for the purpose of awarding interest under this sub-regulation.

(5) Interest shall not be credited to the account of a subscriber if he informs the Accounts Officer that he does not wish to receive it, but if he subsequently asks for interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

(6) The interest on amounts which, under regulation 20 or regulation 21, are replaced to the credit of the subscriber in the Fund shall be calculated at such rate as may be successively prescribed under sub-regulation (1) of this regulation and so far as may be in the manner described in this regulation.

Note --Payment of interest on the fund balance beyond a period of six months upto a period of one year may be authorised by the Accounts Officer after he has reasonably satisfied himself that the delay in payment was occasioned by circumstances beyond the control of the subscriber and in every such case the administrative delay involved in the matter shall be fully investigated and action, if any required, taken.

13. Advance from the Funds :

(1) The appropriate sanctioning authority may sanction the payment to any subscriber of an advance consisting of a sum of whole rupees and not exceeding in amount three months' pay or half the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, whichever is less, for one or more of the following purposes, namely :—

(a) to pay expenses in connection with the illness or confinement or a disability including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him;

(b) to meet the cost of higher education including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him, in the following cases, namely:—

(i) for education outside India for an academic, technical, professional or vocational course beyond the High School stage; and

(ii) for any medical, engineering or other technical or specialised course in India, beyond the High School stage, provided that the course of study is for not less than three years.

(c) to pay obligatory expenses on a scale appropriate to the subscriber's status which by customary usage the subscriber has to incur in connection with betrothals or marriages, funerals or other ceremonies of himself or of his children or of any other person actually dependent on him;

Provided that the condition of actual dependence shall not apply in the case of a son or daughter of the subscriber;

Provided further that the condition of actual dependence shall not apply in the case of an advance required to meet the funeral expenses of the parent of a subscriber.

(d) to meet the cost of legal proceedings instituted by the subscriber for vindicting his position in regard to an allegation made against him in respect of any act done or purporting to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other source;

Provided that the advance under this sub-clause shall not be admissible to a subscriber who institutes legal proceedings in any Court or Law for any alleged official misconduct or where the subscriber engages a legal practitioner to defend himself in a departmental enquiry;

(e) to meet the cost of plot or construction of a house or flat for his residence or to make any payment towards allotment of a plot or flat by a State Housing Board or a House Building Co-operative Society.

(2) The Chairman may, in special circumstances or in cases of acute distress, sanction the payment to any subscriber of an advance for reasons other than those mentioned in sub-regulation (1).

(3) An advance shall not, except for special reasons to be recorded in writing, be granted to any subscriber in excess of the limit laid down in sub-regulation (1) or until repayment of the last instalment of any previous advance:

Provided that an advance shall in no case exceed the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund.

Note.—(1) For the purpose of this regulation, pay includes dearness pay, where admissible.

(2) A subscriber shall be permitted to take an advance once in every six months under item (b) of sub-regulation (1) or regulation 13.

(3) After sanctioning the advance the amount shall be drawn on an authorisation from the Accounts Officer in cases where the application for final payment had been forwarded to the Accounts Officer under clause (ii) of sub-regulation (3) if regulation 24.

(4) When an advance is sanctioned under sub-regulation (3) before repayment of last instalment of any previous advance is completed, the balance of any previous advance not recovered shall be added to the advance so sanctioned and the instalments for recovery shall be fixed with reference to the consolidated amount.

14. Recovery of advances :

(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct, but such number shall not be less than twelve unless the subscriber so elects and more than twenty-four. In special cases where the amount of advance exceeds three months' pay of the subscriber under sub-regulation (3) of regulation 13, the sanctioning authority may fix such number of instalments to be more than twenty-four but in no case more than thirty-six. A subscriber may at his option make repayment in a smaller number of instalments than that prescribed. Each instalment shall be a number of whole rupees, the amount of the advances being raised or reduced, if necessary, to admit of the fixation of such instalments.

(2) Recovery shall be made in the manner prescribed in regulation 10 for the realisation of subscriptions, and shall commence with the issue of pay for the month following the one in which the advance was drawn.

Recovery shall not be made, except with the subscriber's consent, while he is in receipt of subsistence grant or is on leave for 10 days or more in a calendar month which either does not carry any leave salary or carries leave salary equal to or less than half pay or half average pay as the case may be. The recovery may be postponed on the subscriber's written request, by the sanctioning authority during the recovery of an advance of pay granted to the subscriber.

(3) If an advance has been granted to a subscriber and drawn by him and the advance is subsequently disallowed before repayment is completed, the whole or balance of the amount withdrawn shall forthwith be repaid by the subscriber to the Fund, or in default be ordered by the Accounts Officer to be recovered by deduction from the emoluments of the subscriber in a lump sum or in monthly instalments not exceeding twelve as may be directed by the authority competent to sanction an advance for the grant of which, special reasons are required under sub-regulation (3) of regulation 13.

(4) Recoveries made under this regulation shall be credited, as they are made, to the account of the subscriber in the fund.

15. Wrongful use of advance :

Notwithstanding anything contained in these regulations, if the sanctioning authority is satisfied that money drawn as an advance from the fund under regulation 13 has been utilised for a purpose other than that for which sanction was given to the drawal of the money, the amount in question shall forthwith be repaid by the subscriber to the fund, or

in default, be ordered to be recovered by deduction in one lump sum from the emoluments of the subscriber even if he be on leave. If the total amount to be repaid be more than half the subscriber's emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount is repaid by him.

Note.—The term 'emoluments' in this regulation does not include subsistence grant.

16. Withdrawal from the Fund :

(1) Subject to the conditions specified herein, withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-regulation (3) of regulation 13, at any time after the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, for one or more of the following purposes, namely :—

(a) Meeting the cost of higher education, including where necessary, the travelling expenses of the subscriber or any child of the subscriber in the following cases, namely :—

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage ; and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage.

(b) Meeting the expenditure in connection with the betrothal/marriage of the subscriber or his sons or daughters, and any other female relation actually dependent on him.

(c) Meeting the expenses in connection with the illness including where necessary the travelling expenses of the subscriber and members of his family or any person actually dependent on him.

(2) After completion of fifteen years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount standing to his credit in the fund, for one or more of the following reasons, namely :—

(a) Building or acquiring a suitable house or ready-built flat for his residence including the cost of the site.

(b) Repaying an outstanding amount on account of loan expressly taken for building or acquiring a suitable house or ready built flat for his residence.

(c) Purchasing a house site for building a house thereon for his residence or repaying any outstanding amount on account of loan expressly taken for this purpose.

(d) Re-constructing or making additions or alterations to a house already owned or acquired by a subscriber.

(e) Renovating, or making additions or alterations to or for upkeep of an ancestral house at a place other than the place of duty or to a house built with the assistance of loan from Government at a place other than the place of duty.

(f) Constructing a house on a site purchased under clause (c).

(g) Acquiring a farm land or business premises or both within six months before the date of the subscriber's retirement.

Note.—(1) A subscriber who has availed himself of an advance under the scheme of the Board of State Government for the grant of advance for house building purpose, or has been allowed any assistance

in this regard from any other Government source, shall be eligible for the grant of final withdrawal under clauses (a), (c), (d) and (f) of sub-regulation (2) for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-regulation (1) of regulation 17.

If a subscriber has an ancestral house or built a house at a place other than the place of his duty with the assistance of loan taken from the Board or Government, he shall be eligible for the grant of a final withdrawal under clauses (a), (c) and (f) of sub-regulation (2) for purchase of a house site for construction of another house or for acquiring a ready-built flat at the place of his duty.

(2) Withdrawal under clauses (a), (d), (e) or (f) of sub-regulation (2) shall be sanctioned only after the subscriber has submitted a plan of the house to be constructed or of the additions or alterations to be made, duly approved by the local Municipal body of the area where the site of house is situated and only in cases where the plan is actually got to be approved.

(3) The amount of withdrawal sanctioned under clause (b) of sub-regulation (2) shall not exceed 3/4th of the balance on date of application together with the amount of previous withdrawal under clause (a) of sub-regulation (2), reduced by the amount of previous withdrawal. The formula to be followed is 3/4th of (balance as on date plus amount of previous withdrawal(s) for the house in question) minus the amount of the previous withdrawal(s).

(4) Withdrawal under clauses (a) or (d) of sub-regulation (2) shall also be allowed where the house site or house is in the name of wife/husband, provided she/he is the first nominee to receive Provident Fund money in the nomination made by the subscriber.

(5) Only one withdrawal shall be allowed for the same purpose under regulation 16. But marriage/education of different children or illness on different occasions shall not be treated as the same purpose. Second or subsequent withdrawal under clauses (a) or (f) of sub-regulation (2) for completion of the same house shall be allowed up to the limit laid down under Note (3).

(6) A withdrawal under regulation 16 shall not be sanctioned if an advance under regulation 13 is being sanctioned for the same purpose and at the same time.

(3) After completion of 28 years of service of a subscriber or within 3 years before the date of retirement on superannuation, from the amount standing to his credit in the fund for purchasing a motor car or for repaying a loan already taken from the Board for the purpose, subject to the following conditions, namely :—

(i) the subscriber's pay is Rs. 1,000 or more ;

(ii) the amount of withdrawal is limited to Rs. 12,000 or one-fourth of the amount standing to the credit of the subscriber in the fund or the actual price of the car, whichever is the least ; and

(iii) such withdrawal shall be allowed only on one occasion. In the case of withdrawal for purchase of another motor car, the motor car advance under the provisions of Chapter 14 of the General Financial Rules, 1963, as supplemented by executive instructions issued from time to time by the Central Government shall not be admissible.

17. Conditions for withdrawal

(1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in regulation 16

from the amount standing to his credit in the Fund shall not ordinarily exceed one-half of the amount of subscriptions and interest thereon standing to the credit of the subscriber in the fund or six month's pay, whichever is less. The sanctioning authority may, however, sanction the withdrawal of an amount in excess of the limit up to three-fourths of the amount of subscription and interest thereon standing to the credit of the subscriber in the Fund having due regard to (i) the object for which the withdrawal is being made, (ii) the status of the subscriber, and (iii) the amount of subscriptions and interest thereon standing to the credit of the subscriber in the fund :

Provided that in no case the maximum amount of withdrawal shall exceed Rs. 1,25,000 or 75 times the monthly pay, whichever is less :

Provided further that in the case of a subscriber who has availed himself of an advance under the scheme of the Board or a State Government for the grant of advances for house building purpose, or has been allowed any assistance in this regard from any other Government source, the sums withdrawn under this sub-regulation together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed Rs. 1,25,000 or 75 times the monthly pay, whichever is less.

Note.—(1) A subscriber shall be permitted to make a withdrawal once in every six months under clause (a) of sub-regulation (1) of regulation 16. Every such withdrawal shall be treated as a withdrawal for a separate purpose for the purpose of sub-regulation (1) of regulation 17.

(2) In cases where a subscriber has to pay in instalments for a site or a house purchased or a house constructed through a house building co-operative society or similar agency or a house or flat purchased or constructed through the State Housing Board, he shall be permitted to make a withdrawal as and when he is called upon to make a payment in any instalment. Every such payment shall be treated as a payment for a separate purpose for the purpose of sub-regulation (1) of regulation 17.

(3) In case the sanctioning authority is satisfied that the amount standing to the credit of a subscriber in the fund is insufficient and he is unable to meet his requirements otherwise than by withdrawal, the amount already withdrawn by the subscriber from the fund to finance any insurance policy or policies under regulation 19, may be taken into account as an addition to the actual amount standing to his credit in the fund for the purpose of the limit laid down in this sub-regulation. After the amount of withdrawal admissible has been so determined :

(i) if the amount so determined exceeds the amount already withdrawn from the Fund to finance any insurance policy or policies under regulation 19, the amount so withdrawn may be treated as final withdrawal and the difference, if any, between the amount so treated and the total amount of withdrawal admissible may be paid in cash ; and

(ii) if the amount so determined does not exceed the amount already withdrawn from the Fund to finance any insurance policy or policies under regulation 19, the amount so withdrawn may, irrespective of the limit specified in sub-regulation (1) be treated as final withdrawal.

For the above purpose, the Accounts Officer shall re-assign the policy or policies to the subscriber or to the subscriber and the joint assured, as the case may be, and make it over to the subscriber who will then be free to utilise the same for the purpose for which it has been released.

(2) A subscriber who has been permitted to withdraw money from the Fund under regulation 16 shall satisfy the

sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn and, if he fails to do so, the whole of the sum so withdrawn or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith be repaid in one lump sum by the subscriber to the Fund and in default of such payment it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments as may be determined by the sanctioning authority.

(3) (a) A subscriber who has been permitted under clause (a), (b), (c), (d), (e) or (f) of sub-regulation (2) of regulation 16 to withdraw money from the amount of subscription together with interest thereon standing to his credit in the Fund, shall not part with the possession of the house built or acquired or house-site purchased with the money so withdrawn, whether by way of sale mortgage (other than mortgage to the Board), gift, exchange or otherwise without the previous permission of the Board :

Provided that such permission shall not be necessary for :—

- (i) the house or house-site being leased for any term not exceeding three years : or
- (ii) its being mortgaged in favour of a Housing Board, Nationalised Bank, the Life Insurance Corporation or any other Corporation owned or controlled by the Central Government which advances loans for the construction of a new house or for making additions or alterations to an existing house.

(b) The subscriber shall submit a declaration not later than the 21st day of December of every year as to whether the house or the house-site, as the case may be, continues to be in his possession or has been mortgaged, otherwise transferred or let out as aforesaid and shall, if so required, produce before the sanctioning authority on or before the date specified by that authority in that behalf, the original sale, mortgage or lease deed and also the documents on which his title to the property is based.

(c) If at any time before his retirement the subscriber parts with the possession of the house or house-site without obtaining the previous permission of the Board, he shall forthwith repay the sum so withdrawn by him in a lump sum to the Fund, and, in default of such repayment, the sanctioning authority shall, after giving the subscriber a reasonable opportunity of making a representation in the matter, cause the said sum to be recovered from the emoluments of the subscriber either in a lump sum or in such number of monthly instalments, as may be determined by it.

Note :—A subscriber who has taken loan from the Board or Government and in lieu thereof has mortgaged the house or house-site to the Board or Government shall be required to furnish the declaration to the following effect, namely :—

"I do hereby certify that the house/house site for the construction of which or for the acquisition of which I have taken a final withdrawal from the provident fund continues to be in my possession but stands mortgaged to the Board/Government."

18. Conversion of an advance into a withdrawal :

A subscriber who has already drawn or may draw in future an advance under regulation 31 for any of the purposes specified in regulation 16 may convert at his discretion, by written request addressed to the Accounts Officer through the sanctioning authority, the balance outstanding against it into a final withdrawal on his satisfying the conditions laid down in regulations 16 and 17.

Note :—(1) The Head of Office may be asked by the sanctioning authority to stop recoveries from the pay bill when the application for such conversion is forwarded to the Accounts Officer by that authority.

(2) For the purpose of sub-regulation (1) of regulation 17, the amount of subscription with interest

thereon standing to the credit of the subscriber in the account at the time of conversion plus the outstanding amount of advance shall be taken as the balance. Each withdrawal shall be treated as a separate one and the same principle shall apply in the event of more than one conversion.

19. Payment towards insurance policies :

Subscribers referred to in regulation 4 who, before the date of the commencement of these regulations, had been substituting in whole or in part payments towards policies of life insurance, for subscriptions or making withdrawals for such payments from the fund, will be permitted to continue to do so. Such payments shall be governed by the provisions of the Contributory Provident Fund Rules (India), 1962 of the Central Government, and the subscribers will continue to enjoy the benefits under the same terms and conditions *mutatis mutandis* :

Provided that such subscribers shall not be permitted to substitute such payments for subscription due to the fund or to withdraw from the fund for making such payments in respect of new policies.

20. Final withdrawal of accumulations in the funds :

When a subscriber quits the service, the amount standing to his credit in the fund shall, subject to any deduction under regulation 23, become payable to him :

Provided that a subscriber who has been dismissed from the service and is subsequently reinstated in the service shall, if required to do so by the Board, repay any amount paid to him from the fund in pursuance of this regulation with interest thereon at the rate provided in regulation 12, in the manner provided in the proviso to regulation 21. The amount so repaid shall be credited to his account in the fund, the part which represents his subscriptions and interest thereon and the part which represents the Board's contribution with interest thereon being accounted for in the manner provided in regulation 6.

Explanation :—(i) A subscriber who is granted refused leave shall be deemed to have quit the service from the date of his retirement or on the expiry of an extension of service.

(ii) A subscriber, other than one who is appointed on contract or one who has retired from service and is subsequently re-employed with or without a break in service, shall not be deemed to quit the service when he is transferred without any break in service to a new post under State Government or Central Government or a body corporate owned or controlled by Government (in which he is governed by another set of Provident Fund Rules) and without retaining any connection with his former post. In such a case, his subscription and the employer's contribution together with interest thereon shall be transferred to a new account under the Central Government or the State Government or the body corporate concerned, if the Central Government or the State Government or the body corporate consents to such transfer of his subscriptions, the employer's contribution and interest.

Note :—Transfer should be held to include cases of resignations from service in order to take up appointment under the Central Government or State Government or the body corporate, without any break and with proper permission of the Chairman. In cases where there has been a break in service, it shall be limited to the joining time allowed on transfer to a different station.

(iii) When a subscriber, other than who is appointed on contract or one who has retired from service and is subsequently re-employed is transferred, without any break, to the service under a body corporate owned or controlled by Government or an autonomous orga-

nisation registered under the Societies Registration Act, 1860 (21 of 1860), the amount of subscriptions and the Board's contribution, together with interest thereon, shall not be paid to him but shall be transferred with the consent of that body, to his new Provident Fund Account under that body.

Transfer shall include cases of resignation from service in order to take up appointment under a body corporate owned or controlled by Government or an autonomous organisation, registered under the Societies Registration Act, 1860, (21 of 1860), without any break and with proper permission of the Chairman. The time taken to join the new post shall not be treated as a break in service if it does not exceed the joining time admissible to an employee on transfer from one post to another :

Provided further that the amount of subscriptions and the Board's contribution together with interest thereon of a subscriber opting for service under a public enterprise may, if he so desires, be transferred to his new Provident Fund Account under the enterprise, if the concerned enterprise also agrees to such transfer. If, however, the subscriber does not desire the transfer or the concerned enterprise does not operate a provident fund or does not agree to such transfer, the amount aforesaid shall be refunded to the subscriber.

The same shall hold good in cases of retrenchment followed by immediate employment under the Board.

21. Retirement of Subscriber :

When a subscriber —

- (a) has proceeded on leave preparatory to retirement or, if he is employed in a vacation department on leave preparatory to retirement combined with vacation ; or
- (b) while on leave, has been permitted to retire or declared by competent medical authority to be unfit for further service ;

the amount of subscription and interest thereon standing to his credit in the fund shall, upon application made by him in that behalf to the Accounts Officer, become payable to the subscriber :

Provided that the subscriber, if he returns to duty, shall if required to do so by the Board, repay to the fund for credit to his account, the whole or part of any amount paid to him from the fund in pursuance of this regulation with interest thereon at the rate provided in regulation 12 in cash or securities or partly in cash and partly in securities by instalments or otherwise by recovery from his emoluments or otherwise, as may be directed by the authority competent to sanction an advance for the grant of which special reasons are required under sub-regulation (3) of regulation 13.

22. Procedure on death of subscriber —

Subject to any deduction under regulation 23, on the death of the subscriber before the amount standing to his credit has become payable or where the amount has become payable, before payment has been made, —

(i) when the subscriber leaves a family —

- (a) if a nomination made by the subscriber in accordance with the provisions of regulation 5 in favour of a member or members of his family subsists, the amount standing to his credit in the fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination ;
- (b) if no such nomination in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part of the amount standing to his credit in the fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination

purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares :

Provided that no share shall be payable to —

- (1) sons who have attained majority ;
- (2) sons of a deceased son who have attained majority ;
- (3) married daughters whose husbands are alive ;
- (4) married daughters of a deceased son whose husbands are alive,

if there is any member of the family other than those specified in clauses (1), (2), (3) and (4) :

Provided also that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

Note.—Any sum payable under these regulations to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Funds Act, 1925 (19 of 1925).

(ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provision of regulation 5 in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nominations.

Notes.—(1) When a nominee is a dependent of the subscriber as defined in clause (c) of section 2 of the Provident Funds Act, 1925 (19 of 1925), the amount vests in such nominee under sub-section (2) of section 3 of that Act.

(2) When the subscriber leaves no family and no nomination made by him in accordance with the provisions of regulation 5 subsists or if such nomination relates only to part of the amount standing to his credit in the fund, the relevant provisions of clause (b) and of sub-clause (ii) of clause (e) and of sub-section (1) of section 4 of the Provident Funds Act, 1925 (19 of 1925), are applicable to the whole amount or the part thereof to which the nomination does not relate.

23. Deductions.—Subject to the condition that no deduction may be made which reduces the credit by more than the amount of any contribution by the Board with interest thereon credited under regulations 11 and 12, before the amount standing to the credit of the subscriber in the fund is paid out of the fund—

(a) the Board may direct the deduction therefrom and payment to the Board of—

(i) all amounts representing such contribution and interest, if the subscriber is dismissed from service due to mis-conduct, insolvency or inefficiency;

Provided that where the Board is satisfied that such deduction would cause exceptional hardship to the subscriber, it may, by order, exempt from such deduction an amount not exceeding two-thirds of the amount of such contribution and interest which would have been payable to the subscriber if he had retired on medical grounds :

Provided further that if any such order of dismissal is subsequently cancelled, the amount so deducted shall, on his reinstatement in the service, be replaced to his credit in the fund;

(ii) all amounts representing such contribution and interest, if the subscriber within five years of the commencement of his service as such, resigns from the service or ceases to be an employee under the Board otherwise than by reason of death, superannuation, or a declaration by a competent medical authority that he is unfit for further service, or the abolition of the post or the reduction of establishment.

- (b) the Board may direct the deduction therefrom and payment to the Board of any amount due under a liability incurred by a subscriber to the Board.

Note.—(1) For the purpose of sub-clause (ii) of clause (a) of this regulation—

- (a) the period of five years shall be reckoned from the commencement of the subscriber's continuous service under the Board;
- (b) resignation from service in order to take up appointment under the Central Government or under the State Government or under a body corporate owned or controlled by Government or an autonomous organisation, registered under the Societies Registration Act, 1860 (21 of 1860), without any break and with proper permission of the appropriate authority shall not be treated as resignation from the Board's service.

(2) The powers of the Board under this regulation may, in respect of the amount referred to in clause (b) of this regulation, also be exercised by the Chairman in the case of all classes of employees of the Port except in the case of an employee holding a post referred to in clause (a) of sub-section (1) of section 24 of the Major Port Trusts Act, 1963 (38 of 1963).

24. Manner of payment of amount in the fund.—(1) When the amount standing to the credit of a subscriber in the fund, or the balance thereof after any deduction under regulation 23, becomes payable, it shall be the duty of the Accounts Officer, after satisfying himself when no such deduction has been directed under the regulation, that no deduction has been directed under is to be made, to make payment on receipt of a written application in this behalf in Form V or Form VI (appended to these regulations), as the case may be as provided in sub-regulation (3).

(2) If the person to whom under these regulations any amount or policy is to be paid, assigned, re-assigned or delivered, is a lunatic for whose estate a Manager has been appointed in this behalf under the Indian Lunacy Act, 1912 (4 of 1912), the payment or reassignment or delivery shall be made to such Manager and not to the lunatic;

Provided that where no manager is appointed and the person to whom the sum is payable is certified by a Magistrate to be a lunatic the payment shall under the order of the Collector be made in the term of sub-section (1) of section 95 of the Indian Lunacy Act, 1912 (4 of 1912), to the person having charge of such lunatic and the Accounts Officer shall pay only the amount he thinks fit to the person having charge of the lunatic and the surplus if any or such part thereof as he thinks fit shall be paid for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(3) Payments of the amounts withdrawn shall be made in India only. The person to whom the amounts are payable shall make their own arrangements to receive payment in India. The following procedure shall be adopted for claiming payment by a subscriber, namely :—

- (i) To enable a subscriber to submit an application for withdrawal of the amount in the fund, the Heads of Offices shall send to every subscriber necessary forms either one year in advance of the date on which the subscriber attains the age of superannuation or before the date of his anticipated retirement if earlier, with instructions that they should be returned to him duly completed within a period of one month from the date of receipt of the Forms by the subscriber. The subscriber shall submit the application to the Accounts Officer through the Head of Office/Head of a Department for payment of the amount in the fund. The application shall be made,—

- (a) for the amount standing to his credit in the fund as indicated in the Accounts Statement for the year ending one year prior to the date of his superannuation, or his anticipated date of retirement; or

- (b) for the amount indicated in his ledger account in case the Accounts Statement has not been received by the subscriber.

- (ii) The Head of Office/Head of a Department shall forward the application to the Accounts Officer indicating the advances taken and the recoveries effected against the advances which are still current and the number of instalments yet to be recovered in respect of each advance and also indicate the withdrawals, if any, taken by the subscriber.
- (iii) The Accounts Officer shall after verification with the ledger account issue an authority for the amount indicated in the application at least a month before the date of superannuation but payable on the date of superannuation.
- (iv) After forwarding the application for final payment to the Accounts Officer, advance/withdrawal may be sanctioned but the amount of advance/withdrawal shall be drawn on an authorisation from the Accounts Officer concerned who shall arrange this as soon as the formal sanction of sanctioning authority is received by him.

- (v) A second authority for payment shall be issued as soon as possible after superannuation. This shall relate to the contribution made by the subscriber subsequent to the amount mentioned in the application submitted under clause (i) plus refund of instalments against advances which were current at the time of first application.

Note.—When the amount standing to the credit of a subscriber has become payable under regulations 20, 21 or 22 the Accounts Officer shall authorise prompt payment of the amount in the manner indicated in sub-regulation (3).

25. Procedure on transfer of Pensionable Service.—If a subscriber on being given an option, elects to be governed by the pension scheme from the date of his joining the pension scheme,—

- (i) he shall cease to subscribe to the fund;
- (ii) the amount of contribution by Board with interest thereon standing to his credit in the fund shall be repaid to the Board.
- (iii) the amount of subscription together with interest thereon standing to his credit in the fund shall be transferred to his credit in the General Provident Fund to which thereafter he shall subscribe in accordance with the provisions of that fund; and
- (iv) he shall thereupon be entitled to count towards pension service rendered prior to the date of permanent transfer, to the extent permissible under the Pension Rules as applicable to the Central Government employees

26. Number of account to be quoted at the time of payment of subscription.—When paying subscription in India either by deduction from emoluments or in cash, a subscriber shall quote the number of his account in the fund already communicated to him by the Accounts Officer.

27. Annual statement of accounts to be supplied to subscriber.—(1) As soon as possible after the 31st March of each year, the Accounts Officer shall send to each subscriber a statement of his account in the fund showing the opening balance as on the 1st April of the year the total amount credited or debited during the year, the total amount of interest credit as on the 31st March of the year and the closing balance on that date. The Accounts Officer shall attach to the statement of account an enquiry whether the subscriber :—

- (a) desires to make any alteration in any nomination made under regulation 5;
- (b) has acquired a family in case the subscriber has made no nomination in favour of a member of his family under the proviso to sub-regulation (1) of regulation 5.

(2) Subscribers should satisfy themselves as to the correctness of the annual statement and errors should be brought to the notice of the Accounts Officer within three months from the date of receipt of the statement.

28. Relation of the provisions of the regulations in individual cases.—When the Board is satisfied that the operation of any of these regulations causes or is likely to cause undue hardship to a subscriber it may, notwithstanding anything contained in these regulations, deal with the case of such sub-

scriber in such manner as may appear to it to be just and equitable.

29. Interpretation.—If any question arises relating to the interpretation of these regulations, it shall be referred to the Board who shall decide the same.

FORM I

(See sub-regulation (3) of regulation 5)

When the subscriber has a family and wishes to nominate one member thereof :

I hereby nominate the person mentioned below, who is a member of my family as defined in regulation 2 of the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable, or having become payable has not been paid.

Name and address of nominee	Relationship with subscriber	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address & relationship of the person/persons if any to whom the right of the nominee shall pass in the event of his/her predeceasing the subscriber.
-----------------------------	------------------------------	-----	--	--

Dated this.....day of19.....at

Signature of Subscriber

Two witnesses to Signature :

- 1.
- 2.

FORM II

(See sub-regulation (3) of regulation 5)

When the subscriber has family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below who are members of my family as defined in regulation 2 of the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations to receive the amount that may stand to my credit in the fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :

Name and address of nominees	Relationship with the subscriber	Age	Amount or share of accumulations to be paid to each*	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person/persons if any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber
------------------------------	----------------------------------	-----	--	---	---

Dated this.....day of19.....at

Signature of subscriber

Two witnesses to signature :

- 1.
- 2.

*NOTE:—This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

FORM III

(Sec sub-regulation (3) of regulation 5)

When the subscriber has no family and wishes to nominate one person.

I having no family as defined in Regulation 2 of the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations hereby nominate the person mentioned below to receive the amount that may stand to my credit in the fund, in the event of my death before the amount has become payable, or having become payable has not been paid :

Name and address of nominee	Relationship with the subscriber	Age	Contingencies on the happening of which the nomination shall become invalid*	Name, address and relationship of the person/persons, any to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
-----------------------------	----------------------------------	-----	--	--

Dated this.....day of.....19.....at.....

Signature of subscriber.

Two witnesses to signature :

- 1.
- 2.

*NOTE:— Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

FORM IV

(Sec sub-regulation (3) of regulation 5)

When the subscriber has no family and wishes to nominate more than one person.

I having no family as defined in Regulation 2 of the New Mangalore Port Trust Employees (Contributory Provident Fund) Regulations hereby nominate the persons mentioned below to receive the amount that may stand to my credit in the fund in the event of my death before that amount has become payable, or having become payable has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:

Name and address of the nominees	Relationship with the subscriber	Age	Amount or share of accumulations to be paid to each	Contingencies on the happening of which the nomination shall become invalid*	Name, address and relationship of the person/persons; if any, to whom the right of the nominee shall pass in the event of his predeceasing the subscriber.
----------------------------------	----------------------------------	-----	---	--	--

Dated this.....day of.....19.....at.....

Signature of subscriber.

Two witnesses to signature :

- 1.
- 2.

NOTE :— @This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

Where a subscriber who has no family makes a nomination, he shall specify in this column that the nomination shall become invalid in the event of his subsequently acquiring a family.

FORM V

(FOR CLASS I AND II OFFICERS)

[See sub-regulation (1) of regulation 24]

FORM OF APPLICATION FOR FINAL PAYMENT/
TRANSFER TO BODIES CORPORATE/OTHER
GOVERNMENT OF BALANCES IN GENERAL/
CONTRIBUTORY PROVIDENT FUND ACCOUNT

To

The Financial Adviser &
Chief Accounts Officer,
New Mangalore Port Trust.
Through the Head of Office/Department.

Sir,

I am due to retire/have retired/have proceeded on leave preparatory to retirement for.....months/have been discharged/dismissed/have been permanently transferred to/ have resigned finally from Port Trust Service and my resig-

nation has been accepted, with effect from.....forenoon/
afternoon. I joined service with.....on.....
forenoon/afternoon.

2. My Provident Fund Account No. is.....I
desire to receive payment through my office.

3. My specimen signature in duplicate, duly attested by
another Class I Officer is enclosed.

PART-I

(To be filled in when the application for final payment is
submitted up to one year prior to retirement)

4. I request that the amount of Rs.standing
to the credit in my G.P.F./C.P.F. Account as indicated in
the Accounts Statement issued to me for the year.....
enclosed as appearing in my ledger account being maintained
by you, may please be arranged to be paid to me through
my Office.

5. Certified that I had taken the following advances in
respect of which.....instalments of Rs.

yet to be repaid to the fund Account, I had taken the following final withdrawals :—

Temporary Advances	Final Withdrawals
--------------------	-------------------

6. Certified that the following amounts were withdrawn by me to finance my life Insurance Policy from my P.F. Account :—

1.
2.
3.
4.

7. Certified that after the payment of first instalment of my Provident Fund balance, I will apply for the payment of the subsequent instalments in Part II of the application Form V immediately on retirement.

Signature of the subscriber
Name and Address :

CERTIFICATION BY THE HEAD OF OFFICE/DEPARTMENT

Certified that the above information has been verified from the records being maintained in this office and is correct.

Signature of Head of Office/Department

PART II

4. In continuation of my application for final payment sent to you vide No.....dated.....I request that the balance in my Provident Fund Account may please be paid to me.

OR

5. Certified that the following amounts were withdrawn from his/her account to finance the Life Insurance Policy.

1.
2.
3.
4.

Signature of the Head of Office.

PART II

In continuation of my earlier application dated.....for the final payment of P.F. Balance, I request that the balance at my credit with interest due under the regulations may be paid to me.

OR

I request that the entire amount at my credit with interest due under the regulations may be paid to me/transferred to.....

Signature
Name & Address :

(FOR USE BY HEADS OF OFFICES)

Forwarded to the Financial Adviser & Chief Accounts Officer, New Mangalore Port Trust for necessary action in continuation of endorsement No.....dated

2. He/She has finally retired/will proceed on leave preparatory to retirement for.....months has been discharged/dismissed/has been permanently transferred to...../has resigned finally from Port Trust Service/and his/her resignation has been accepted with effect from.....forenoon/afternoon. He joined service with.....on.....forenoon/afternoon.

3. The last fund deduction was made from his/her pay in this office Bill No.....dated.....for Rs.....(Rupees.....), the amount of deduction being Rs.and recovery on account of refund of advance Rs.....

4. Certified that he/she was neither sanctioned any temporary advance or any final withdrawal from his/her Provident Fund Account during the 12 months immediately preceding the date of his/her quitting service/proceeding on leave preparatory to retirement or thereafter.

OR

Certified that the following temporary advance/final withdrawal were sanctioned to him/her and drawn from his/her Provident Fund Account during the 12 months immediately preceding the date of his/her quitting service/proceeding on leave preparatory to retirement or thereafter.

Amount of advances/ withdrawals	Date	Voucher No.
------------------------------------	------	-------------

1.
2.
3.
4.

5. Certified that no amount was withdrawn/the following amounts were withdrawn from his/her Provident Fund Account during the 12 months immediately preceding the date of his/her quitting service/proceeding on leave preparatory to retirement or thereafter for payment of Insurance Premium or for the purchase of a new policy.

Amount	Date	Voucher No.
--------	------	-------------

1.
2.
3.

*6. It is certified that no demands/following demands of Port are due for recovery.

@7. Certified that he/she has not resigned from Port Service with prior permission of Chairman/Port Trust Board to take up an appointment in the Central Government or under a State Government or under a body corporate or controlled by the State.

Signature of Head of Office/
Department

*Certificate No. 6 to be furnished in the case of Contributory Provident Fund only.

@ Please score out if not necessary.

FORM VI

(FOR CLASS III AND CLASS IV EMPLOYEES)

(See sub-regulation (1) of regulation 24)

FORM OF APPLICATION FOR FINAL PAYMENT/
TRANSFER TO CORPORATE BODIES/OTHER
GOVERNMENTS OF BALANCES IN THE GENERAL/
CONTRIBUTORY PROVIDENT FUND ACCOUNT

To

The Financial Adviser & Chief Accounts Officer,
New Mangalore Port Trust.

Through the Head of Office

Sir,

I am to retire/have retired/have proceeded on leave preparatory to retirement for.....months/have been discharged/dismissed/have been permanently transferred to...../have resigned finally from Port Trust Service/have resigned service and my resignation has been accepted with effect from.....forenoon/afternoon.

I joined service with.....on.....
forenoon/afternoon.

2. My Provident Fund Account No. is.....
3. I desire to receive payment through my office.

PART I

(To be filled in when the application for final payment is submitted upto one year prior to retirement).

4. I request that the amount of Rs.....standing to the credit in my G.P.F./C.P.F. Account as indicated in the Accounts Statement issued to me for the year (enclosed)/as appearing in my ledger account being maintained by you, may please be arranged to be paid to me as first instalment of final payment.

5. The undermentioned Life Insurance Policies were being financed by me from my Provident Fund Account.

Policy No.	Name of the Co.,	Sum assured
------------	------------------	-------------

1.
2.
3.
4.

6. After payment of the first instalment of my Provident Fund balance, I will apply for the payment of subsequent instalments in Part II of the Forms immediately on retirement.

Yours faithfully,

Signature :
Name & Address :

Station :
Date :

(FOR USE BY HEADS OF OFFICES)

Forwarded to the Financial Adviser & Chief Accounts Officer, New Mangalore Port Trust for necessary action.

2. The Provident Fund Account No. of Shri/Smt./Kumari(as verified from the statements furnished to him/her from year to year) is.....

3. He/She is due to retire from Port Trust Service on

4. Certified that he/she had taken the following advances in respect of which.....instalment of Rs..... are yet to be recovered and credited to the Fund Account. The details of the final withdrawals granted to him/her are also indicated below.

Final withdrawals
Temporary Advances

1.
2.
3.
4.

I request that the entire amount at my credit with interest due under the regulations may be paid to me through my office/may be transferred to my Provident Fund Account. My P.F. Account No. is.....

5. A sum of Rs.(Rupees.....) was last deducted as Provident Fund subscription and recovery on account of refund of advances from my pay bill for the month of.....for Rs.....encashed on.....

6. I certify that I have neither drawn any temporary advance nor made any final withdrawal from my Provident Fund Account during the 12 months immediately preceding the date of my quitting service.

OR

Details of the temporary advances drawn by me/final withdrawals made by me from my Provident Fund Account during the 12 months immediately preceding the date of my quitting service/proceeding on leave preparatory to retirement or thereafter are given below :

Amount of advance

Date

1.
2.
3.
4.

7. I hereby certify that no amount was withdrawn/the following amounts were withdrawn by me from my Provident Fund Account during the 12 months immediately preceding the date of my quitting service/proceeding on leave preparatory to retirement or thereafter for payment of insurance premia or for the purchase of a new policy.

Amount

Date

1.
2.
3.

8. The particulars of the Life Insurance Policies financed by me from the Provident Fund which are to be released by you are given below :

Policy No.	Name of the Co.,	Sum assured
------------	------------------	-------------

1.
2.
3.
4.

Station :
Date :

Yours faithfully,

Signature :
Name & Address :

CERTIFICATE BY THE HEAD OF OFFICE/DEPARTMENT

1. Forwarded in continuation of endorsement No..... dated.....

1. (a) It is certified after due verification with reference to the records in my office, that no temporary advance/final withdrawal was sanctioned to the applicant from his/her Provident Fund Account during the 12 months immediately preceding the date of his/her quitting service/proceeding on leave preparatory to retirement or thereafter.

OR

2. It is certified, after due verification with reference to the records in my office, that the following temporary advances/final withdrawals were sanctioned to and drawn by the applicant from his/her Provident Fund Account during 12 months immediately preceding the date of his/her quitting service/proceeding on leave preparatory to retirement or thereafter.

Amount of advance/withdrawals	Date	Voucher No.
-------------------------------	------	-------------

1.
2.

*3. It is certified that no demands/following demands of Port are due for recovery.

@4. Certified that he/she has not resigned from Port Service with prior permission of the Chairman/Port Trust Board to take up an appointment in another Department of the Central Government or under a State Government or under a body corporate owned or controlled by the State.

Signature of the Head of Office/Department.

*Certificate No. 3 to be furnished in the case of Contributory Provident Fund only.

@Please score out if not necessary.

[PW/PEL-16/80]

S. VASUDEV, Dy. Secy.